

Application No. 10/666,316
Reply to Office Action of: May 4, 2007

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

Improper Citation of Reference

Applicant respectfully submits that Lambert (6,629,138) has been improperly cited under 35 U.S.C. 102(b) as Lambert was published as a patent on September 30, 2003 whereas the present application was filed on September 19, 2003 claiming priority from a U.S. provisional application filed on September 20, 2002. As such, Lambert was not published more than one year prior to the filing date of the present application and thus is not citable under 35 U.S.C. 102(b).

Accordingly, Applicant believes that the rejection under 35 U.S.C. 102(b) is improper. As will be discussed below, since Lambert has an earlier parent patent published in 2000, Applicant has provided arguments with respect to what is taught by Lambert to overcome any proper rejections that may be forthcoming with respect to the Lambert parent patent.

Claim Amendments

Independent claims 1, 11, 15, 17 and 19 have been amended to clarify that the system and components thereof (where applicable) handle and store multiple versions of the same file. It is believed that the nature of the claims presented have been misconstrued and the references cited improperly applied due to a misunderstanding of this distinction, namely the type of data stored, handled and modified. It is believed that the amendments made in this regard serve to clarify the nature of the versioned files, which are now clearly described as multiple versions of the same file. The amended claims also indicate that the repository stores at least one set of data for obtaining a plurality of versions of a file, which is believed to further clarify this issue.

Claim 1 has also been amended to include the features formerly in claims 4 and 5 and claims 4 and 5 have been cancelled accordingly. Claim 19 is amended in a similar manner and claims 22 and 23 have been cancelled accordingly.

Claims 10 and 28 have been amended along the lines suggested by the Examiner.

Claim 18 has been amended to be consistent with amendments to claim 17.

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Claim 29 has been amended to improve the readability of the claim.

No new subject matter is believed to have been added by way of these amendments.

Claim Rejections – 35 U.S.C. 112

Claims 10 and 28 have been rejected under 35 U.S.C. 112, second paragraph regarding the expression "a regional proxy server". As noted above, Applicant has amended claims 10 and 28 along the lines suggested by the Examiner in the office action and thus the rejections under 35 U.S.C. 112, second paragraph, are believed to have been overcome.

Claim Rejections – 35 U.S.C. 102

Claims 1-8, 10-26 and 28 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lambert (US 6,629,138). Applicant respectfully traverses the rejections as follows.

As noted above, Lambert is not believed to be citable under 35 U.S.C. 102(b) as it was not published more than one year before the filing date of the present application and in fact was not published until after the filing date of the present application. It appears that the Examiner may have meant to rely upon the parent application that corresponds to Lambert, namely US 6,038,601. As such, notwithstanding that Lambert is not citable, Applicant will provide a discussion below regarding the distinctions in the claims of the present application over what is shown in Lambert (and thus the parent '601 patent).

Claim 1 has been amended to clarify that the system handles and stores data to obtain and control modification of multiple versions of the same file. The nature of these files, namely their structure and the way they are handled is believed to have been overlooked by the Examiner in the office action. It is believed that the Examiner has focused on the structure without fully considering the way in which the structural components interrelate. Claim 1 has also been clarified to indicate that proxy server is adapted to provide the version requested by the client from the read-only cache when available but if not, will provide the requested version from the central server.

Lambert teaches a system for handling published content over the web. The system in Lambert includes a content bar at the client, a backend server residing on a publisher's site and an intermediary caching server for balancing load across the networks. At the client site, a

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publication is created by requesting published content that is routed through the cache server from the publisher. At the cache server, a table of contents (TOC) is used to track expiration dates for the content as well as other statistics. As such, Lambert does not teach a repository of at least one set of a plurality of versions of a file as recited in amended claim 1. Also, Lambert does not teach maintaining multiple versions but rather stores only the latest version with a TOC of statistics and expiry dates to indicate when the content should next be updated. There does not appear to be any teaching in Lambert of the ability to access multiple versions of the same file. As such, Lambert teaches an entirely different type of system that works in an entirely different environment on an entirely different type of data. Indeed, Lambert does not contemplate managing multiple versions of the same file and this appears to have been overlooked by the Examiner. For Lambert to anticipate, Lambert must teach each and every element in claim 1. As discussed, Lambert does not store at least one set of data for obtaining a plurality of versions of a file and the cache in Lambert certainly does not store copies of such versions and obtain requested version as recited in claim 1 with respect to the proxy server. On the contrary, Lambert is only concerned with a current version and statistics for when the next update should occur (e.g. expiry of content).

As noted above, it is believed that the Examiner has only relied on the structure of the system in citing Lambert and has not fully considered how the components operate with each other. In any event, the amendments to claim 1 are believed to clarify the interrelationships between the client, central service and proxy server in claim 1, as well as the nature of the data being stored and managed.

Accordingly, it is believed that Lambert clearly does not teach every element recited in claim 1 and thus cannot anticipate. Claims 2, 3, 6-10 and 29 being dependent on claim 1 are also believed to be distinguished over Lambert.

Claim 11 has also been amended to clarify the nature of the files that are stored. For at least this reason, claim 11 is also believed to be distinguished over Lambert. Applicant notes that Lambert does not in fact teach locking and unlocking files. The TOC in Lambert is merely a table of changes and other statistics pertaining to the content which can be modified and updated. This is quite different than the method recited in claim 11. As such, claim 11 is believed to be clearly distinguished over Lambert. Claims 12-14 being dependent on claim 11 are also believed to be distinguished over Lambert.

Claim 15 is directed to the central server and has been amended similar to those amendments made to the central server in claim 1. For at least this reason, claim 15 is believed

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to be distinguished over Lambert. Applicant notes that at most, the TOC in Lambert could be considered equivalent to the log of modifications in claim 15, however, there is nothing in Lambert that teaches controlling modifications to multiple versions of the same file. As such, claim 15 is believed to be clearly distinguished over Lambert. Claim 16 being dependent on claim 15 is also believed to be distinguished over Lambert.

Claims 17 is directed to the proxy server and has been amended similar to those amendments made to the proxy server in claim 1. For at least this reason, claim 17 is believed to be distinguished over Lambert. It may be noted that Lambert is silent with respect to handling requests as recited in amended claim 17 and thus claim 17 is believed to be clearly distinguished over Lambert. Claim 18 being dependent on claim 15 is also believed to be distinguished over Lambert.

Regarding claims 19-21 and 24-28, arguments that apply to claim 1 equally apply thereto and thus claims 19-21 and 24-28 are also believed to be distinguished over Lambert.

Accordingly, Applicant respectfully submits that Lambert clearly does not teach handling multiple versions of the same file, let alone in the way recited in the claims mentioned above and that the claims as amended clearly distinguish over Lambert.

Claim Rejections – 35 U.S.C. 103

Claims 9 and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert in view of Margoulus (US 2005/0131905). Applicant respectfully traverses the rejections as follows.

Applicant is believed to have shown above that Lambert does not anticipate claim 1 or claim 19 and claims 9 and 27 are dependent on claim 1 and 19 respectively. Therefore, Margoulus must shown not only what is recited in claims 9 and 27 but also what is believed to be missing from Lambert. Although Margoulus teaches maintaining redundancy for restoring versions, this does not in fact teach updating the proxy after a disruption, i.e. when there is a loss of data. Paragraph [0100] in Margoulus only seems to describe the mechanism by which historical versions are stored. This is not equivalent to updating a proxy server with data that was stored there, i.e. copies of versions from the repository. In any event, Margoulus does not teach the arrangement or interrelationships recited in claim 1 and thus also does not teach what is missing from Lambert. As such, claims 9 and 27 are believed to be patentably distinguished over Lambert in view of Margoulus.

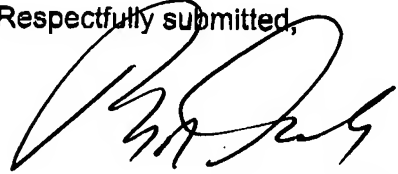
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Summary

In view of the foregoing, It is believed that the claims as amended clearly distinguish over the references cited by the Examiner and are in condition for allowance.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,



Ralph A. Dowell
Attorney for Applicant
Registration No. 26,868

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